

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:02CR103
	§	
RICHARD EUGENE WILKINS	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 11, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Bradley Visosky.

On April 18, 2013, Defendant was sentenced by the Honorable Paul Brown, United States District Judge, to a sentence of 33 months imprisonment followed by a three-year term of supervised release for the offense of Possession of Child Pornography. Defendant began his term of supervision on April 12, 2013. On February 11, 2013, the case was transferred to the Honorable Marcia A. Crone, United States District Judge.

On December 10, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 37). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall comply with any federal, state, or local registration law for

offenders convicted of sexual crimes. Defendant shall be responsible for any costs associated with those registration laws. Registration shall be completed within ten days after being instructed to register by the probation officer. Defendant must provide verification of registration to the probation officer within three days following registration; (3) Defendant shall refrain from any unlawful use of a controlled substance; (4) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (5) Under the guidance and direction of the U.S. Probation Office, Defendant shall participate in a sex offender treatment program which may include the application of physiological testing instruments to determine appropriate treatment. Defendant shall pay any cost associated with treatment and testing.

The Petition alleges that Defendant committed the following violations: (1) On November 26, 2013, Defendant was arrested by the Dallas, Texas, Police Department for failing to register as a sex offender. Dallas Police state the offense occurred on November 19, 2013; (2) On November 18, 2013, Defendant admitted in writing to using marijuana on or about November 17, 2013; and (3) On December 2, 2013, Defendant was unsuccessfully discharged from sex offender treatment with F. Liles Arnold after failing to attend counseling sessions on November 18, 2013 and November 25, 2013.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the April 11, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of two (2) years imprisonment with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 21st day of April, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE